

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### Claim Amendments

Prior to entrance of this amendment, claims 1, 9-29, 32-34, 39, 40, 43 and 45-49 were pending. Claims 1, 9, 11, 12, 15, 16, 18, 20, 21, 23, 26, 32, 39, 45 and 49 are amended. Claims 10, 17, 28, 29, and 33 are canceled. After entrance of the present amendment, claims 1, 9, 11-16, 18-27, 32, 34, 39, 40, 43 and 45-49 remain pending.

No new matter has been added by these amendments. Cancellation of the claims and the amendments is not intended to be a dedication of the canceled or amended subject matter to the public. Applicants reserve the right to file one or more continuation application(s) to the canceled subject matter.

Claim 1 is amended to incorporate the limitations of claim 10. Claim 10 is canceled as being redundant in view of the amendment of claim 1. Claims 15 and 16 are amended to add “5-15 membered” heteroaryl, to be consistent with claim 1. Claims 17, 28 and 29 are canceled because claim 1, as amended, does not permit both  $R^2$  and  $R^4$  to both be a substituted phenyl. Claim 32 is amended to provide antecedent support in view of the amendment of claim 1. Claim 33 is canceled as redundant in view of the amendment of claim 32.

Claims 12, 20, 23, 26, and 32 are amended to delete the redundant recitation of the phrase “as defined in claim...” and to increase the clarity of the pending claims. Claim 1 is amended to delete redundant recitations in the definitions of  $R^a$  and  $R^e$ , for example “cyclohexyl” is a specific example and redundant to “cycloalkyl.” Similarly, claim 9 is amended to remove redundant recitations such as “1,4-benzoxazin-(5,6,7 or 8)-yl-2-one,” which is a more specific recitation of “1,4-benzoxazinyl-2-one.” Claim 15 is amended to correct a typographical error. Claims 1, 2, 29, and 49 are amended to reflect the changes in claim 1. Claims 11 and 12 are amended to

remove reference to canceled claim 10. Claims 18 and 21 are amended to remove reference to canceled claim 17. Claim 45 is amended to provide proper antecedent support. No new matter is added by these amendments.

**Amendment to the Specification**

Applicant thanks the Office for acknowledging the amendment filed on March 8, 2007 and the Information Disclosure Statement filed on June 6, 2007.

Applicant notes that the amendments to the specification at pages 508 and 596 could not be entered because the indicated table rows and compounds do not appear at the pages identified. Applicant thanks the Office calling these typographical errors to its attention. The specification is amended at pages 506 and 582. Entry of this amendment is respectfully requested.

**Claim Objection**

The Office states that the claims 10-13, 15, 21-29, 33, 34, 39, and 49 are objected to as depending from a rejected base claim but are otherwise in condition for allowance. In order to expedite prosecution, the limitations of claim 10 are incorporated into claim 1. Allowance of the claims is respectfully requested.

**Claim rejection under 35 U.S.C. §102**

The Office has rejected claims 1, 9, 14, 16-20, 32, 40, 43, 45 and 47 under 35 U.S.C. §102(a) as being anticipated by Pease et al.(WO 01/64656) for the reasons of record as set forth in the previous office action. Claim 1 is amended to incorporate the limitations of claim 10, which the Examiner has indicated is free of the prior art. Each of claim 9, 14, 16-20, 32, 40, 43, 45 and 47 depend directly or indirectly from claim 1 and therefore also incorporate the limitations of claim 10.

Applicant submits that claims 1, 14, 16-20, 32, 40, 43, 45 and 47, as amended, are free of the prior art and respectfully urges withdrawal of the rejection.

**Claim rejection under 35 U.S.C. §103**

The Office has rejected claims 1, 9, 14, 16-20, 32, 40, 43, and 45-48 under 35 U.S.C. §103(a) as being unpatentable over Pease et al.(WO 01/64656) for the reasons of record as set forth in the previous office action.

For the same reasons as stated above, withdrawal of this rejection is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/18/2007

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